

OLC 78-3003/1
8 August 1978

MEMORANDUM FOR THE RECORD

SUBJECT: 8 August 1978 Briefing on Covert Action of the Senate Select
Committee on Intelligence ☐

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1. ☐ On 8 August, John McMahon, DDO, briefed the Senate Select Committee on Intelligence on a "slice" of the covert action infrastructure, and for the second time on a part of the 7 June Presidential Finding. The briefing was held in Room 224 of the Russell Senate Office Building, from 3:20 p.m. until 5:00 p.m. Security arrangements were made by Ben Marshall, Security Director of the Committee. A recording of the session was taken by Fred Ward, and a copy of the transcript subsequently provided the Agency.

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2. ☐ Members of the Committee present included:

Birch Bayh (D., Ind.), Chairman
Adlai E. Stevenson (D., Ill.)
Gary Hart (D., Colo.)
Joseph R. Biden, Jr. (D., Del.)
Jake Garn (R., Utah)

Senators Stevenson, Biden and Garn were present only for the first approximately 10 minutes of the briefing.

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3. ☐ Members of the Committee staff present included:

William G. Miller, Staff Director
Edward Levine
Audrey Hatry

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4. ☐ Agency witnesses were:

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John N. McMahon

DDO
C/CA/DDO

Accompanied by:

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Frederick P. Hitz

Legislative Counsel
Assistant Legislative Counsel

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5. ☐ Because Senator Hart was not present at the beginning of the hearing, Mr. McMahon began with the "infrastructure slice" briefing. This briefing was part of an agreement reached with the Committee staff.

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The original request, in the FY-1978 authorization report, was for a written analysis of each covert action infrastructure asset. This requirement was deferred pending review of the infrastructure by the Special Coordinating Committee of the National Security Council, which finally took place on 16 May 1978. At a meeting between Agency representatives and Committee staff, an agreement was reached to modify the original request to a general paper on the infrastructure, plus an oral, more detailed briefing on the infrastructure assets of a few stations. The paper was submitted on 26 July. The infrastructure slice briefing consisted of a general description of the activities of infrastructure assets of [REDACTED]

6. [REDACTED] Senator Hart interrupted the infrastructure briefing to ask that the Committee discuss his concerns regarding the part of the 7 June [REDACTED]

[REDACTED] Chairman Bayh, the only other Member present, agreed. Senator Hart stated his total opposition to such a program, and revealed he had talked with both Secretary of State Vance and Vice President Mondale about the proposed activity and neither man was aware of it. Discussion ensued regarding which officials are involved in SCC decisions, the nature of the risk assessment procedure, and which agency originated this particular proposal (State). [REDACTED]

Mr. McMahon also discussed the use of "Memoranda of Notification," and agreed to provide the Committee an example.

7. [REDACTED] Senator Hart expressed his view there should be no approval by the SCC and President, with State and CIA left to work out the details of a covert action plan. Chairman Bayh raised a point he has made in previous briefings--that the Intelligence Community isn't qualified to make judgments of political risk. He believes this decision must be the President's.

8. [REDACTED] The Chairman asked that the Committee be provided a copy of the papers submitted to the SCC by CIA on the risk of the [REDACTED] [REDACTED] Mr. McMahon said he would have to refer this request to the NSC.

9. [REDACTED] Follow-up items:

- a. Provide examples of "Memoranda of Notification"
- b. Inform NSC of Committee interest in reviewing NSC documents [REDACTED] [REDACTED] [REDACTED]

[REDACTED] 151
Assistant Legislative Counsel

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